

**Before the State of South Carolina
Department of Insurance**

In the Matter of:

SCDOI File Number 124953

Phillip Tumminia
300 4th Street S.E.
Apartment 33
Charlottesville, Virginia 22902

**Order Vacating Revocation of
All Licensing Privileges**

This matter comes before me pursuant to a recent default order signed by me revoking all licenses issued to Phillip Tumminia by the South Carolina Department of Insurance.

On November 14, 2005, the South Carolina Department of Insurance (the Department) served a Letter of Allegation and Notice of Opportunity for Public Hearing dated November 14, 2005 on Phillip Tumminia as required by S.C. Code Ann. § 38-3-170 (2002), by both certified mail, return receipt requested, and by regular mail. That letter informed Mr. Tumminia of his right to request a public hearing at the ALC upon the allegations of impropriety contained within the letter against him.

Mr. Tumminia failed to request a hearing within 30 days of receipt of the allegation letter. As a result of his failure to request a hearing, an Order of Default revoking all of Mr. Tumminia's licenses was signed by me on December 12, 2005. However it has since come to my attention that Mr. Tumminia did not receive the notices because they were mailed to the latest address provided which was not current. Address used was the home address as indicated on the market conduct licensing printout.

Obviously, Mr. Tumminia's failure to respond to the initial allegation letter within 30 days affected the entire process. However, I have determined that the proper action is to vacate the revocation of Mr. Tumminia's licenses and for the Department to proceed with its actions against Mr. Tumminia pursuant to the November 14 2005 allegation letter. It is therefore ordered that the revocation of all licenses issued by the South Carolina Department of Insurance to Phillip Tumminia by my order of December 12, 2005 is hereby vacated and the Department is instructed to proceed with its actions against Mr. Tumminia pursuant to its allegation letter dated November 14, 2005.

It is further ordered that a copy of this order shall be transmitted to the National Association of Insurance Commissioners for distribution to its current member states and to each insurer for which Mr. Tumminia was appointed in South Carolina as of the date of my revocation order.

This order becomes effective as of the date of my signature below.

March
February 7, 2006
Columbia, South Carolina

A handwritten signature in black ink, reading "Eleanor Kitzman". The signature is fluid and cursive, with the first name "Eleanor" written in a larger, more prominent script than the last name "Kitzman".

Eleanor Kitzman
Director of Insurance